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11 *NETFLIX, INC.*

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

15 LAURI VALJAKKA,
16 *Plaintiff,*
17 v.
18 NETFLIX, INC.,
19 *Defendant.*

Case No. 4:22-cv-01490-JST

**DECLARATION OF RACHAEL
LAMKIN IN SUPPORT OF DEFENDANT
NETFLIX, INC.'S UNOPPOSED
MOTION TO MODIFY THE
SCHEDULING ORDER**

Judge: Hon. Jon S. Tigar

1 I, Rachael Lamkin, hereby declare:

2 1. I am an attorney with the law firm Baker Botts LLP, based in San Francisco,
3 California, and counsel representing Defendant Netflix, Inc. (“Netflix”). I have personal knowledge
4 of the facts set forth in this declaration and am competent to testify.

5 2. I am submitting this declaration in support of the Defendant Netflix, Inc.’s
6 Unopposed Motion to Modify the Scheduling Order to Extend Fact Discovery.

7 3. On September 6, 2024, Netflix served AiPi, Inc. (“AiPi”) with a revised, narrowed
8 subpoena to produce documents in a civil action after AiPi moved to quash an earlier subpoena
9 served by Netflix in June, 2024.

10 4. Attached hereto as Exhibit A is a true and correct copy of December 13, 2024 Order
11 by the Honorable Leonie M. Brinkema, United States District Judge for the Eastern District of
12 Virginia, filed with the Eastern District of Virginia, No. 24-mc-00002, ECF No. 49.

13 5. Attached hereto as Exhibit B is a true and correct copy of Netflix’s Public
14 (Redacted) Memorandum in Support of Its Motion for Civil Contempt against AiPi, filed with the
15 Eastern District of Virginia, No. 24-mc-00002, ECF No. 63.

16 6. Attached hereto as Exhibit C is a true and correct copy of the Declaration of Eric
17 Morehouse, filed with the Eastern District of Virginia, No. 24-mc-00002, ECF No. 17-2.

18 7. Attached hereto as Exhibit D is a true and correct copy of an Order by Judge
19 Brinkema on Netflix’s Motion for Civil Contempt Against AiPi, dated January 27, 2025, filed with
20 the Eastern District of Virginia, No. 24-mc-00002, ECF No. 65.

21 8. Attached hereto as Exhibit E is a true and correct copy of a Notice of Filing Agreed
22 Initial List of Search Terms by Netflix and AiPi, filed with the Eastern District of Virginia, No. 24-
23 mc-00002, ECF No. 66. The forensic discovery vendor identified approximately 60,000 documents
24 on the computer storage drives AiPi made available for imaging that were collected in early
25 February. Based on the volume of hits that the forensic discovery vendor identified, Netflix
26 voluntarily narrowed some of the search terms, reducing the universe of responsive documents to
27 only about 30,000.

1 9. In the course of conferring with counsel for AiPi regarding the timing of its review
2 of the responsive documents, counsel (Brendan Klaproth) explained that his firm comprises two
3 attorneys and is not able to review many thousands of documents on an expedited basis.

4 10. On January 31, 2025 Netflix and all parties executed an agreement with
5 PricewaterhouseCoopers (“PwC”) to forensically image Eric Morehouse’s laptop, external hard
6 drive, and iPhone (“the AiPi devices”). The AiPi devices were obtained by PwC for imaging later
7 that day.

8 11. On February 18, 2025 the first search term report was made available by PwC to all
9 parties.

10 12. Netflix identified a first batch of 248 documents responsive to the search terms on
11 February 21, 2025. Counsel for AiPi reviewed the materials by February 24, 2025 and identified
12 231 of the 248 as privileged. Accordingly, and pursuant to the Virginia Court’s Order on Netflix’s
13 Motion for Civil Contempt Against AiPi, the 17 documents not identified by AiPi’s counsel as
14 privileged were produced to Netflix the next day, while plaintiff Lauri Valjakka and his former
15 attorney, William Ramey, had until March 7, 2025 to review and object on privilege grounds as to
16 the other 231 documents.

17 13. On March 3, 2025, counsel for Netflix contacted counsel for AiPi regarding a
18 deposition of AiPi as authorized by the Virginia Court’s Order on Netflix’s Motion for Civil
19 Contempt Against AiPi. Counsel for AiPi explained that AiPi’s corporate representative, Eric
20 Morehouse, was unavailable for a deposition the week of March 24 due to prior commitments. The
21 deposition is currently scheduled for March 20, but Mr. Morehouse has agreed to an additional
22 deposition if the discovery period is extended in order to address documents that will not have been
23 produced before then.

24 14. Attached as Exhibit F is a true and correct copy of a “Notice to Court RE Order
25 (ECF No. 65)” filed by AiPi with the Eastern District of Virginia, No. 24-mc-00002, ECF No. 67,
26 and “Lauri Valjakka’s Objection to Production and Disclosure of Documents Under Court Order
27 24th January 2025,” filed by AiPi with the Eastern District of Virginia, No. 24-mc-00002, ECF No.
28 67-1. Netflix must now litigate, in the Virginia Court, AiPi’s invocation of Mr. Valjakka’s untimely

1 privilege claims based on his procedural violations as well as the crime-fraud exception, and intends
2 to do so soon on an expedited basis.

3 15. Regarding ownership of the '167 Patent, the documents obtained from AiPi
4 demonstrate the following:

5 16. In October of 2021, attorneys for defendant Akamai apparently told Valjakka's
6 then-attorney Erick Robinson that Valjakka did not own the '167 Patent. *See* pages 2-3 of Exhibit
7 G which is a true and correct copy of an email chain among Lauri Valjakka, Erik Lund (AiPi) and
8 Eric Morehouse (AiPi) dated October 22, 2021, with highlighting to identify relevant material.

9 17. According to Eric Morehouse, attorney Robinson demanded that Valjakka
10 demonstrate that he owned the '167 Patent or Mr. Robinson would not litigate the case. Valjakka
11 was apparently unable to satisfy Robinson, who resigned shortly thereafter, *See* page 8 of Exhibit
12 H which is a true and correct copy of an email chain among Eric Morehouse, Lauri Valjakka, Onni
13 Hietalahti, Erik Lund, Jonathan Merrill (of AiPi), Mete Ozmen (AiPi), and "R. Kerber" (AiPi) from
14 October and November, 2021, with highlighting to identify relevant material.

15 18. Attorney William Ramey was retained after Attorney Robinson.

16 19. AiPi prioritized settling with Akamai to secret this information. *See* pages 6-7 and
17 9 of Exhibit I, which is a true and correct copy of an email chain among Eric Morehouse, Onni
18 Hietalahti, Lauri Valjakka, Erik Lund, Matti Saraheimo, and Jonathan Merrill from December,
19 2021, with highlighting to identify relevant material.

20 20. AiPi reviewed the Helsinki Court opinion and concluded, that that opinion
21 undermines Valjakka's claim to ownership (and conveyed as much to Valjakka). *See* Exhibit H at
22 8.

23 21. AiPi tried to resolve the ownership issue through various means but was unable.

24 22. Attorneys from the Ramey firm and AiPi agreed to delay production of documents
25 relevant to this issue. *See* page 2 of Exhibit J, which is a true and correct copy of an email chain
26 among Onni Hietalahti, Eric Morehouse, and Lauri Valjakka from April and May 2023, with
27 highlighting to identify relevant material.

